

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 1239 OF 2023**

- | | | |
|----|----------------------|----------------|
| 1. | Sohel A. Khan | |
| 2. | Anwar I. Khan | |
| 3. | Shamim A. Khan | |
| 4. | Firoz A. Khan | |
| 5. | Taslim F. Khan | ...Petitioners |
| | Versus | |
| 1. | State of Maharashtra | |
| 2. | Mrs. Asma Sohel Khan | ...Respondents |

Mr. Deepak Talwar i/b Mr. Ritesh Karkera for the Applicants.
Ms S.S. Kaushik, APP for the Respondent/State.
Mr. Athar Pawaskar for Respondent No.2.

**CORAM : NITIN W. SAMBRE &
N. R. BORKAR, JJ.**

DATE : 2 NOVEMBER, 2023.

PC:-

1. The present application under Section 482 of Code of Criminal Procedure, 1973 is filed to quash the First Information Report No.525 of 2021 dated 3 October 2021 registered at Nirmal Nagar Police Station, Mumbai against the applicants for the offences punishable under Sections 498(A), 323, 504 and 506 read with 34 of Indian Penal Code.

2. The aforesaid crime came to be registered against the applicants at the instance of respondent No.2/complainant. The applicants are husband and in-laws of the respondent No.2/complainant. The allegations against the applicants are

that they had ill-treated the respondent No.2/complainant.

3. The quashing of FIR is sought on the ground that there has been an amicable settlement between the parties and respondent No.2 is no longer desirous of prosecuting the case in question.

4. The learned counsel for the applicants and respondent No.2 jointly submit that the parties have amicably settled their matrimonial dispute. It is submitted that no purpose would be served by keeping the prosecution alive, in view of the settlement arrived at between the parties. It is submitted that the present case is squarely covered by the law laid down by the Hon'ble Supreme Court in the case of ***Gian Singh Vs. State of Punjab & Anr.***¹.

5. The respondent No.2, who is identified by her Advocate Mr. Athar Pawaskar, is personally present in the Court. She confirms about the settlement arrived at with the applicants and the contents of the consent affidavit dated 7 October 2023 filed by her, wherein she has stated that she has no objection if the criminal case in question against the applicants is quashed.

6. The Hon'ble Supreme Court in *Gian Singh (supra)* has held :

"But the criminal cases having overwhelmingly and predominatingly civil flavour stand on a different footing for the purposes of quashing, particularly the

1 (2012) 10 SCC 303

offences arising from commercial, financial, mercantile, civil, partnership or such like transactions or the offences arising out of matrimony relating to dowry etc. or the family disputes where the wrong is basically private or personal in nature and the parties have resolved their entire dispute. In this category of cases, the High Court may quash the criminal proceedings if in its view, because of the compromise between the offender and the victim, the possibility of conviction is remote and bleak and continuation of criminal case would put the accused to great oppression and prejudice and extreme injustice would be caused to him by not quashing the criminal case despite full and complete settlement and compromise with the victim."

7. The main reason for filing of FIR by respondent No.2 appears to be matrimonial discord. The allegations are totally personal in nature. Even otherwise in view of the settlement between the parties, the respondent No.2 is not going to support the prosecution case. Thus, nothing fruitful will come out of the prosecution in question. The dictum in *Gian Singh's* case is squarely applicable to the facts and circumstances of the present case and thus the application deserves to be allowed. Hence, the Application is allowed in terms of prayer clause (a) & (b).

8. The Application is disposed of.

(N.R. BORKAR, J.)

(NITIN W. SAMBRE, J.)